IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**

**&**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO :1464 of 2007**

**DATED:5.9.2007**

Between:

Chief Commissioner of Land Administration, A.P. Hyderabad & others.

**..... PETITIONERs**

AND

V.Venkatarao

**.....RESPONDENT**

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**
**&**
**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO:1464 OF 2007**

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioners have filed the present writ petition seeking to call for the records pertaining to the order dated 11.10.2006 in O.A.No:609 of 2005 of the Tribunal and set aside the same.

The respondent is the applicant. Originally, on the O.A. filed by the applicant seeking to declare the action of the respondents in not paying the penal interest on belated payment of pension and other retiremental benefits i.e., gratuity, commutation, etc., from the date of retirement i.e., 31.3.1998 to 29.4.2004 as illegal and hold that the applicant is entitled for payment of interest at 24% p.a. on beleted payment of pension from the date of retirement till the actual date of payment with damages and exemplary costs, the tribunal having observed that the delay in concluding the disciplinary proceedings cannot be attributed to the applicant as the said proceedings were dropped by the Government in its Memo No:6191 Vig.III (1) 2001-13, dated 15.3.2004 and as there is inordinate delay in finalizing the pensionary benefits due to the applicant, the respondents have to pay minimum interest applicable on the amounts entitled to be

received as pensionary benefits from the date of his retirement till the date of his claim, fixed the interest at the rate of 8% p.a. on the delayed pension. Having aggrieved by the same, the present writ petition is preferred by the respondents.

Heard the learned G.P. for Services-II for respondents and the learned counsel for the applicant and perused the entire material available on record as well as the order impugned.

There is no dispute as to the dropping of the disciplinary proceedings by the Government in its Memo No:6191 Vig.III (1)/2001-13, dated 15.3.2004 as well as the delay in sanctioning the pensionary benefits. Apart from that, the delay in concluding the disciplinary proceedings cannot be attributed against the applicant as rightly observed by the tribunal. In addition to that, in view of dropping of the disciplinary proceedings by the Government and in view of the delay in sanctioning the pensionary benefits, We feel that the tribunal is justified in passing the order impugned by fixing the minimum interest at 8% p.a. on the delayed pension. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

5th September, 2007

(JUSTICE G.CHANDRAIAH)

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**THE HON'BLE SMT. JUSTICE T.MEENA KUMARI**

**&**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

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**WRIT PETITION NO:1464 of 2007**

**(Order delivered by the Honourable Smt.Justice T.Meena Kumari)**

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**5th September, 2007.**